



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
GREATER ATLANTIC REGIONAL FISHERIES OFFICE
55 Great Republic Drive
Gloucester, MA 01930-2276

RECEIVED

AUG 26 2016

DEQ-Office of Environmental
Impact Review

Ms. Bettina Sullivan
Environmental Impact Review and Long
Range Priorities Program
Department of Environmental Quality
P.O. Box 1105
Richmond, VA 23218

RE: Federal consistency determination for Amendment 16 to the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan (FMP)

Dear Ms. Sullivan:

We wish to advise the Commonwealth of Virginia of a Federal action and the determination of NOAA's National Marine Fisheries Service (NMFS) regarding the consistency of this action with the enforceable policies of the Virginia Coastal Zone Management Plan (CZMP).

Amendment 16 would establish management measures to protect deep-sea corals from the impacts of commercial fishing gear in the Mid-Atlantic Fishery Management Council region. This action would designate a deep-sea coral zone, restrict the use of bottom-tending commercial fishing gear within the designated deep-sea coral zone, and establish provisions for vessels transiting through the deep-sea coral zone. Additionally, this action would establish Vessel Monitoring System requirements for the *Illex* squid fishery and add framework provisions to the Atlantic Mackerel, Squid, and Butterfish FMP for future modifications to the deep-sea coral protection measures.

This action is an amendment to the Atlantic Mackerel, Squid, and Butterfish FMP, but the proposed measures would affect several other commercial fisheries operating in offshore environments of the mid-Atlantic region using bottom-tending fishing gear (i.e., bottom trawls, dredges, bottom longlines, sink gillnets, or pots/traps). Because the deep-sea red crab fishery operates entirely in this offshore environment and red crab do not exist in shallower waters, the deep-sea red crab fishery would be exempt from the restrictions on bottom-tending commercial fishing gear in this action. Additionally, the Mid-Atlantic Fishery Management Council determined that the management measures in this amendment would not apply to American lobster trap fisheries.


Pursuant to provisions of 15 CFR 930 et seq. and section 307 of the Coastal Zone Management Act of 1972, as amended, I have preliminarily determined that Amendment 16 is necessary under the Magnuson-Stevens Act, and consistent to the maximum extent practicable with the enforceable policies of your state's CZMP. In accordance with the provisions of 15 CFR 930.41, I request that you advise me of your concurrence with or objection to my determination within 60 days of your receipt of this letter and supporting information described below. If I do not



receive a letter of concurrence or objection within this time frame, consistent with 15 CFR 930.41(a), I will presume that you concur with my preliminary consistency determination.

Thank you for your assistance and cooperation with this matter. I have enclosed a compact disc containing the Environmental Assessment (EA) for Amendment 16. The EA describes the action in detail, the alternatives, and the impacts of the proposed and alternative measures. We expect to publish a rule proposing Amendment 16 implementing regulations in the *Federal Register* during the summer of 2016. If you have any questions regarding this action, please contact Daniel Luers in the Greater Atlantic Regional Fisheries Office, Sustainable Fisheries Division at 978-282-8457 or daniel.luers@noaa.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'J. Bullard', with a large, stylized initial 'J'.

John K. Bullard
Regional Administrator

Enclosure